



City of Malibu

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MALIBU LOCAL COASTAL PROGRAM (LCP) DISCRETIONARY APPLICATION SUBMITTAL REQUIREMENTS

(Lot Line Adjustment, Minor Modification, Neighborhood Standards, Site Plan Review, Variance)

1. Uniform Application.
2. Coastal Development Permit (CDP) Submittal Checklist.
3. A letter addressing each of the following findings for each specific application.

LOT LINE ADJUSTMENT (LLA)

A lot line adjustment shall not be authorized unless it is approved in conjunction with a coastal development permit. A coastal development permit authorizing a lot line adjustment shall not be approved unless the evidence shows, and the City makes findings, that the proposed lot line adjustment complies with the requirements of LIP Section 15.5. Such findings shall address the specific project impacts relative to the applicable standards identified below. The findings shall explain the basis for the conclusions and decisions of the City and shall be supported by substantial evidence in the record.

A lot line adjustment shall not be approved unless the City finds the following:

LLA FINDINGS (LIP Section 15.5(B))

- A. All the parcels involved in lot line adjustment are legal parcels.
- B. The lot line adjustment complies with the applicable provisions of the Subdivision Map Act.
- C. The reconfigured parcels comply with the LCP size standards and the parcels can be developed consistent with all LCP policies and standards or, if the existing parcels do not meet this requirement, then the reconfigured parcels can accommodate development that does not have greater conflicts with the LCP policies and standards than would have occurred from development on the existing parcels.
- D. If environmentally sensitive habitat is present on any of the parcels involved in the lot line adjustment, the lot line adjustment will not increase the amount of environmentally sensitive habitat that would be damaged or destroyed by development on any of the parcels, including any necessary road extensions, driveways, and required fuel modification.
- E. As a result of the lot line adjustment, future development on the reconfigured parcels will not increase the amount of landform alteration (including from any necessary road extensions or driveways) from what would have been necessary for development on the existing parcels.
- F. As a result of the lot line adjustment, future development on the reconfigured parcels will not have greater adverse visual impacts from a scenic road, public trail or trail easement, or public beach than what would have occurred from development on the existing parcels.

MINOR MODIFICATION (MM)

The Planning Director may grant minor modification requests authorizing the following:

- Reduce setback and open space requirements by no more than 20 percent, except that front yard setbacks may be reduced by no more than 50 percent and side setbacks shall not be reduced where part of a required view corridor.



- Approve alternative to water saving fixture requirements upon the recommendation of the Building Official.

MM FINDINGS (LIP Section 13.27.5)

- A. That the project is consistent with the policies of the Malibu Local Coastal Program.
- B. That the project does not adversely affect neighborhood character.
- C. That the proposed project complies with all applicable requirements of state and local law.

NEIGHBORHOOD STANDARDS (NS)

Notwithstanding any other provision of this Section, upon application and pursuant to LIP Section 13.27, the Planning Commission may approve or conditionally approve increased height, structure size and/or development area and/or decreased setbacks, except in the case of Environmentally Sensitive Habitat Area (ESHA) buffers or setbacks, bluff setbacks, view corridors or height restrictions to minimize impacts to visual resources, where such modifications do not exceed the neighborhood standards, and where the Planning Commission affirmatively makes all the findings set forth in LIP Section 13.27.5.

NS FINDINGS (LIP Section 13.27.5)

- A. That there are at least 10 developed lots within a 500-foot radius of the subject site located in the same neighborhood.
- B. That the proposed project is consistent with at least 80 percent of all legal lots developed with single family residences within a 500-foot radius of subject site.
- C. That the project is consistent with policies and provisions of the Malibu Local Coastal Program.
- D. That the project does not adversely affect neighborhood character.
- E. That the project provides maximum feasible protection to significant public views as required by LIP Chapter 6.
- F. That the proposed project complies with all applicable requirements of state and local law.

SITE PLAN REVIEW (SPR)

The Planning Director may consider only the following applications for site plan review:

- Height increases over the base district maximum of 18 feet up to a maximum of 24 feet in height for a flat roof or 28 feet in height for a pitched roof;
- Remedial grading to correct physical deficiencies on the site for construction of a primary residence or access to the property;
- Non-visually permeable fences except for those required to comply with LCP policies and standards regarding protection of environmentally sensitive habitat and scenic and visual resources;
- Structures constructed on slopes greater than 3 to 1 but less than 2½ to 1;
- As required by the Malibu Country Estates Overlay District; and
- Wireless telecommunications antennae and facilities, pursuant to the provisions of LIP Section 3.14.1(B) that comply with the Most Restrictive Design Standards set forth in LIP Section 3.14.1(F).

SPR FINDINGS (LIP Section 13.27.5)

- A. That the project is consistent with policies and provisions of the Malibu Local Coastal Program.
- B. That the project does not adversely affect neighborhood character.
- C. That the project provides maximum feasible protection to significant public views as required by LIP Chapter 6.
- D. That the proposed project complies with all applicable requirements of state and local law.

Additional SPR Findings Only For Height Over 18 Feet

- E. The project is consistent with the City's General Plan and Local Coastal Program.



- F. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in Malibu Municipal Code Section 17.40.040(A)(17).

VARIANCE (VAR)

These provisions are intended to relieve a property owner from standards or requirements which make it impractical or impossible to use their property in the same manner that other property of like character in the same vicinity and zone can be used. A variance shall not be granted which confers a special privilege or use inconsistent with the limitations placed upon other properties in the same vicinity and zone.

VAR FINDINGS (LIP Section 13.26.5)

- A. That there are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under the identical zoning classification.
- B. That the granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.
- C. That the granting of the variance will not constitute a special privilege to the applicant or property owner.
- D. That the granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the Local Coastal Program.
- E. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in LIP Section 4.7.
- F. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by LIP Chapter 2.
- G. That the variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.
- H. That the subject site is physically suitable for the proposed variance.
- I. That the variance complies with all requirements of state and local law.
- J. That the variance shall not be granted to allow reduction or elimination of public parking for access to the beach, public trails or parklands.

